

OPINION
55-31

November 1, 1955 (OPINION)

CORONER'S LAW

RE: Fees

This is in reply to your letter of October 26, 1955, wherein you request an opinion as to the procedure to be followed in determining the fee of a coroner appointed pursuant to chapter 115 of the 1955 Session Laws.

Sections 16 and 17 of chapter 115 read as follows:

"16. CORONER'S FEES PAID OUT OF COUNTY TREASURER; FEES TO BE CHARGED BY CORONER; DUTY OF COUNTY AUDITOR. The fees and mileage allowed to the coroner shall be paid out of the county treasury and the coroner's bill shall be presented to the county auditor and shall be paid upon approval and order of the board of county commissioners."

"17. APPLICATION. The provisions of this Act shall apply to every county in this state having a population of eight thousand or more according to the last preceding official federal census, and the provisions of chapter 11-19 and section 11-1002 of the N.D.R.C. of 1943, as amended, shall not be applicable to such counties. The provisions of this Act shall not apply to counties having a population of less than eight thousand according to the last preceding official federal census and such counties shall be governed by the provisions of chapter 11-19 and section 11-1002 of the N.D.R.C. of 1943, as amended."

Section 11-1923 of the 1953 Supplement to the N.D.R.C. of 1943 provides for fees to be charged by the coroner. However, you will note that section 17 of chapter 115 of the 1955 Session Laws provides that chapter 11-19 shall not be applicable in counties shaving a population of eight thousand or more.

Therefore, a coroner who has been appointed pursuant to section 3 chapter 115 of the 1955 Session Laws must present his bills for fees and mileage to the county auditor and such bills must be paid upon approval and order of the board of county commissioners pursuant to section 16 of said chapter 115. The Act does not prescribe fees or a mileage rate. It is left to the coroner to present his bills and for the board of county commissioners to determine whether or not such bills shall be approved.

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